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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERESA MACCLELLAND, *Et Al.*,  
For Themselves, As Private Attorneys  
General, and On Behalf Of All Others  
Similarly Situated,

Plaintiffs,

v.

CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS; and  
VERIZON COMMUNICATIONS INC.,

Defendants.

Case No. 3:21-cv-08592-EMC

**JOINT FURTHER STATUS  
CONFERENCE STATEMENT**

[Hon. Edward M. Chen]

Further Status Conference

Date: February 14, 2023

Time: 2:30 p.m.

Courtroom: By Zoom

**JOINT FURTHER STATUS CONFERENCE STATEMENT**

Pursuant to the Civil Minutes, dated November 2, 2022 (Dkt. No. 77), Plaintiffs Teresa MacClelland, *et al.* (collectively, “Plaintiffs”), and Defendants Cellco Partnership d/b/a Verizon Wireless and Verizon Communications Inc. (collectively, “Verizon”) hereby submit this Joint Further Status Conference Statement:

**1. Status of Discovery**

The Court most recently convened the parties in this action at the Court’s previous Joint Further Case Management Conference on November 8, 2022. As memorialized in its Civil Minutes following the hearing, the Plaintiffs drafted and served two sets of document requests on Verizon. Verizon has responded to both requests and the parties continue to meet-and-confer. Verizon has committed to begin its rolling productions of documents on or before February 17, 2023. Below is the status of each set.

- On November 15, 2022, Verizon provided Objections and Responses to Plaintiffs’ First Set of Document Requests which consisted of 11 requests seeking documents concerning communications with each of the Plaintiffs and documents concerning several aspects of Verizon’s Administrative Fee. Plaintiffs tailored these 11 document requests narrowly to comply with the Court’s guidance that discovery at this time should be limited. Verizon agreed to produce documents responsive to Requests 1-4 of Plaintiffs’ requests, and initially objected to Requests 5-11. On December 23, 2022 Plaintiffs served a deficiency letter and requested a meet and confer. The parties met and conferred on January 17, 2023. During that meet and confer, Verizon represented it would begin a rolling production of documents by February 17, 2023 and indicated it would respond to Plaintiffs as soon as possible as to its position regarding providing responsive documents to Requests 5-11. The parties communicated via email on January 31 and February 1. As of the date of this Statement, in addition to documents responsive to Requests 1-4, Verizon has likewise agreed that it will search for and produce any non-privileged high level corporate documents responsive to Requests 5-11 in its possession, custody, or control.

- On January 23, 2023, Verizon provided Objections and Responses to Plaintiffs’

1 Second Set of Requests for Production of Documents. This Set of requests requested Verizon to  
 2 produce various document retention policies that Verizon referenced in correspondence  
 3 previously exchanged between the parties regarding preservation of evidence communications.  
 4 Verizon objected to all four requests in Plaintiffs' Second Set of Request for Documents and  
 5 refused to produce any documents. On January 30, 2023, Plaintiffs served Verizon a deficiency  
 6 letter addressing Verizon's objections and requested a meet and confer. As of the date of this  
 7 Statement, the parties intend to meet and confer regarding Plaintiffs' Second Set of Requests for  
 8 Production.

9 **2. Status of the Appeal from the Order Denying the Motion To Compel**  
 10 **Arbitration**

11 On July 12, 2022, Verizon filed a Notice of Appeal (Dkt. No. 54) from this Court's  
 12 Order Denying Motion To Compel Arbitration. The Ninth Circuit has docketed the appeal as  
 13 *MacClelland v. Cellco Partnership*, Case No. 22-16020.

14 The Ninth Circuit has issued the following briefing schedule for the appeal:

- 15 • November 21, 2022—Verizon Filed its Opening Appellate Brief
- 16 • March 17, 2023—Plaintiffs' Responding Appellate Brief due
- 17 • April 7, 2023—Verizon's Reply Appellate Brief due.

18  
 19  
 20 Dated: February 7, 2023

Respectfully submitted,

21 DENITTIS OSEFCHEN PRINCE, P.C.

22 By: /s/ Stephen P. DeNittis

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**CERTIFICATION UNDER CIVIL L.R. 5-1(h)(3)**

The filer of this document, Paul Karl Lukacs, hereby attests that each of the other signatories has concurred in the filing of this document.

Dated: February 7, 2023

By: /s/ Paul Karl Lukacs